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10/812,413	03/30/2004	Toyoji Ikezawa	116692005600	1276
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MORRISON & FOERSTER LLP			SINGH, GURKANWALJIT	
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MCLEAN, VA 22102			3624	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/812,413	<b>Applicant(s)</b> IKEZAWA, TOYOJI
	<b>Examiner</b> Gurkanwaljit Singh	<b>Art Unit</b> 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 October 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 and 9-14 is/are pending in the application.  
 4a) Of the above claim(s) none is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 and 9-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 30 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/06)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This final Office action is in response to Applicant's communication received on October 06, 2008, wherein claims 1-7, and 9-14 are currently pending. Claims 8 and 15 have been cancelled. Claims 1, 4-6, 9-10, and 13-14 are currently pending.

***Response to Arguments***

2. Applicant's arguments filed October 06, 2008 have been fully considered but they are not persuasive. Applicant argues (1) that Melchione does not teach or suggest anything about a combination including a report that contains information on a customer sales negotiation item whose sales negotiation progress level is equal to or greater than a predetermined level, and (2) that claim 4 is nonobvious over Melchione because Melchione does not teach or suggest anything about a combination including generating advice information on the activity content of each salesperson, based on the analysis of the activity pattern of a high-performance salesperson.

3. In response to argument (1), Examiner respectfully disagrees. It is respectfully noted that the features upon which applicant relies (i.e., a combination) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Additionally, the Applicant does not explicitly and clearly state in the claims that the information is all in one single report

document/etc. Claim 1 only states that "the evaluation report sending unit sends...information (not a report)...to which customer targeting unit adds the customer information. So more information is added to information. Furthermore, Examiner broadly interprets "report" to mean informing through any means information describing some type of findings (WordNet® 3.0, © 2006 by Princeton University at dictionary.com < <http://dictionary.reference.com/browse/report> >). Examiner also broadly interprets "negotiation" to mean sales interaction with a customer about a product/service/etc. Melchione discloses a "micromarketing workstation" that, among other things, "generates a report containing an optimum list of leads (customers) for each marketing campaign." The micromarketing workstation of Melchione "allows the user to generate marketing information or leads and feed the leads directly into the CCIS...[a] plurality of micromarketing workstations may be used within the micromarketing center to respond to requests from branch managers for lists of leads for selected sales programs...[t]he system provides the following features: a relationship profile that allows appropriate staff members to view household and customer account and balance information both in detail and summary form; account management features that allow bankers to enroll customers in programs such as portfolio management and personal relationship management; a relationship building feature that delivers prioritized call lists on-line and tracks results; a promotional suppression facility that provides information on customers and noncustomers who do not wish to be contacted by telephone and/or by mail; and a contact history feature that displays recent promotional contacts to each customer...a large financial institution... personal bankers then conduct sales sessions (e.g.,

telephone calls) with each of the customers on the list of leads (negotiations)" (col. 8, line 51 – col. 9, line 65, and col. 5, line 31 – col. 12, line 48). Melchione also discloses that "[a] performance (progress level) versus goals (which are predetermined levels) report indicates whether a particular branch or personal banker is meeting the goals set by the campaign management" (col. 41, lines 51-53). Therefore, Melchione discloses a report that contains information on a customer sales negotiation item whose sales negotiation progress level is equal to or greater than a predetermined level.

4. In response to argument (2), it is again respectfully noted that the features upon which applicant relies (i.e., a combination) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Additionally, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patently distinguishes them from the references. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d

1392, 170 USPQ 209 (CCPA 1971). Applicant does not specifically and explicitly define "generating advice information on the activity content of each salesperson, based on the analysis of the activity pattern of a high-performance salesperson." Examiner interprets "generating advice information on the activity content of each salesperson, based on the analysis of the activity pattern of a high-performance salesperson" to mean generating relevant information on each salesperson by comparing their activities to set ideal goals where it is well known in the art that ideal goals can be the activity pattern of a high-performance salesperson. Therefore, Melchione indeed teaches and suggests and makes obvious generating advice information on the activity content of each salesperson, based on the analysis of the activity pattern of a high-performance salesperson.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5, 8-11, 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Melchione et al. (U.S. 5,930,764).

As per claim 1, Melchione et al. discloses a sales activity management system comprising:

a database that stores activity management information concerning activity content of each salesperson and sales negotiation item information concerning each sales negotiation item that each salesperson is in charge of (col. 5, lines 32-35; col. 13, line 62-col. 14, line 6; col. 14, lines 48-54; The database is linked to a relationship profile component, an account management component, a lead management component and a sales tracking component.);

an activity content evaluation unit that evaluates the activity content of each salesperson based on at least one of the activity management information and the sales negotiation item information, registered in said database (col. 37, line 45-col. 38, line 25);

an evaluation report creating unit that generates evaluation report information concerning the activity content of each salesperson, based on the evaluation results by said activity content evaluation unit (col. 37, lines 57-61);

a customer database that stores customer information concerning customers (col. 15, lines 57-63; Figure 3); and

a customer targeting unit that extracts sales negotiation item information wherein a sales negotiation progress level in the sales negotiation item information is equal to or higher than a predetermined level, targets the customer of sales negotiation indicated by the extracted sales negotiation item information, extracts the customer information of the targeted customer from the customer database, and adds the customer information to said evaluation report information (col. 27, lines 33-48; Customer meeting a certain

criteria may be selected via a database query, where the selected customers are targeted for specific marketing campaigns.); and

an evaluation report sending unit that sends the generated evaluation report information, to which the customer targeting unit adds the customer information, to a terminal device of the salesperson (col. 37, lines 54-57, col. 8, line 51 – col. 9, line 65, and col. 5, line 31 – col. 12, line 48).

As per claim 2, Melchione et al. discloses the sales activity management system according to claim 1, wherein the activity management information includes one of, or a plurality of data of, number of registered sales negotiations, number of customer calls made, hours of activity, number of agreements reached in sales negotiations, rate of agreements reached in sales negotiations, sales proceeds, and estimate proceeds (col. 37, line 65-col. 38, line 4; col. 40, lines 3-8; col. 41, lines 65-67; Sales activity such as active leads, outcome of sales attempts, information relating to closing sales leads and amount of revenue generated by each salesperson are tracked.).

As per claim 3, Melchione et al. discloses the sales activity management system according to claim 1, wherein the sales negotiation item information includes data of progress level of each sales negotiation item (col. 39, lines 45-48; col. 40, lines 53-58; The status of each sales lead is tracked.).

As per claim 5, Melchione et al. discloses the sales activity management system according to claim 4, wherein said advice information includes activity instruction information towards each salesperson (col. 42, lines 52-65; Customer scoring and

contact strategies provide advice to salespeople on what to market/sell to which customers.).

As per claim 9, Melchione et al. discloses the sales activity management system according to claim 1, further comprising a knowledge database that stores knowledge information concerning know-how and knowledge in sales activity, correlating it with customer information registered in the customer database, wherein said customer targeting unit extracts knowledge information relating to the targeted customer from the knowledge database and sends the information to said terminal device, when sending the evaluation report information to said terminal device (col. 42, lines 51-65; col. 43, lines 5-16).

As per claim 10, Melchione et al. discloses the sales activity management system according to claim 1, further comprising a knowledge database that stores sales support information including at least one data of various promotional material, sales activity record, and delivery achievement concerning apparatuses, for using in sales activity, correlating it with customer information registered in the customer database, wherein said customer targeting unit extracts sales support information relating to the targeted customer from the knowledge database and sends the information to said terminal device, when sending the evaluation report to said terminal device (col. 42, lines 51-65; col. 43, lines 5-16).

As per claim 11, Melchione et al. discloses the sales activity management system according to claim 1, which receives information concerning results of sales activity carried out based on said evaluation report information, from said terminal

device, and registers at least one of the activity management information and the sales negotiation item information, which are based on the received information, to said activity management information database (col. 41, lines 19-27).

Claims 13-14 recite subject matter similar to that already rejected above. Therefore, claims 13-14 are rejected on the same basis as claims 1-3, 5, 8-11 above.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 4, 6-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione et al. (U.S. 5,930,764).

As per claim 4, Melchione et al. discloses the sales activity management system according to claim 1, further comprising an activity pattern analyzing unit that extracts sales management information from said database, and analyzes the activity pattern of the salesperson, using the extracted sales management information, wherein:

    said evaluation report creating unit generates advice information towards the activity content of each salesperson based on the analysis by said activity pattern analyzing unit, and adds the generated advice information to the evaluation report information (col. 41, lines 17-19 and 35-53; col. 42, lines 52-65; Sales reports show

performance versus goals, sales by number of accounts, sales by new and existing products as well as sales by time periods. Also, customer scoring and contact strategies provide advice to salespeople on what to market/sell to which customers.). While Melchione et al. discloses measuring and reporting performance versus goal information, Melchione et al. does not expressly disclose that the sales management information that has a number or rate equal to or greater than a predetermined number of registered sales negotiations or a predetermined rate of registered sales negotiations. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.*

As per claim 6, Melchione et al. discloses the sales activity management system according to claim 4, wherein said activity pattern analyzing unit extracts sales management information from said database and analyzes the activity pattern of the salesperson using the extracted sales management information (col. 41, lines 17-19 and 35-67; col. 42, lines 52-65; Sales reports show performance versus goals, sales by number of accounts, sales by new and existing products as well as sales by time periods. The amount of revenue generated by each salesperson is also measured.).

While Melchione et al. discloses measuring and reporting revenue generated by each salesperson, Melchione et al. does not expressly disclose wherein a sales proceed or an estimate proceed is greater than a predetermined amount. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP, 2106.

As per claim 7, while Melchione et al. discloses measuring sales activity with which to rank for each sales person such as revenue generated by each sales person (col. 41, lines 65-67), Melchione et al. does not expressly disclose ranking the activity content of each salesperson. However, Examiner takes Official Notice that ranking the activity of a salesperson was old and well known at the time of the invention as such ranking provides salespeople with a prioritization of what activities to work on first as those activities may be more profitable, for example. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Melchione et al. to rank the activity content of each salesperson as doing so provides salespeople with a prioritization of what activities to work on first as those activities may be more profitable, thereby enhancing the sales process.

As per claim 12, while Melchione et al. discloses the ability for managers to monitor the performance of sales people (col. 33, lines 60-67), Melchione et al. does not expressly disclose the sales activity management system according to claim 1, wherein said evaluation report information further includes data of comments input by a manager of said each salesperson. However, Examiner takes Official Notice that having managers maintain comments about their staff was old and well known at the time of the invention. Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Melchione et al. to include comments input by a manager of a salesperson because doing so helps to record managers' opinions/reviews about their sales people's performance, thereby enhancing the monitoring of the performance of sales people.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gurkanwaljit Singh whose telephone number is (571)270-5392. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571)272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. S./  
Examiner, Art Unit 3624

/Bradley B Bayat/  
Supervisory Patent Examiner, Art Unit 3624